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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-334-C -- ORDER NO. 90-979
OCTOBER 4, 1990

IN RE: Petition of the South Carolina) ORDER GRANTING
Telephone Association for) REQUEST TO WITHDRAW
Declaratory Ruling as to the Use) PETITION, ADDRESSING
of 1-700 Dialing.) VARIOUS MOTIONS, AND
) CLOSING DOCKET

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition filed on April 10, 1990, by the South Carolina Telephone Association (SCTA) requesting the Commission to make a determination that utilization of the 700 access code to originate intraLATA calls has not been approved by this Commission, and that the Commission issue its order prohibiting such use of the 700 access code.

The Petition was duly noticed to the public and Petitions to Intervene were filed on behalf of SouthernNet of South Carolina, Inc., d/b/a Telecom*USA (Telecom); U.S. Sprint Communications Company Limited Partnership (U.S. Sprint); Steven W. Hamm, the Consumer Advocate for the State of South Carolina (the Consumer Advocate); and MCI Telecommunications Corporation (MCI). By Commission Order Nos. 90-692 and 90-797, respectively, AT&T Communications of the Southern States (AT&T) and the South Carolina Division of Resource Management (DIRM) were also granted leave to

intervene.

The proceeding was in the discovery stage and the Commission had issued Order No. 90-864 on September 11, 1990, which granted Telecom's Motion to Compel and Motion to Produce. Subsequently, Telecom filed a Motion to Compel and Motion to Dismiss, as well as a Motion to Add All South Carolina Telephone Companies as Parties of Record and Motion for Continuance. Additionally, the Commission Staff brought to the Commission's attention that certain factual statements contained in Order No. 90-864, supra, were incorrect. The Commission ruled on the various motions filed by the parties and ruled on the request of the Commission Staff to modify Order No. 90-864 to properly reflect the facts before the Commission. No Order has been issued addressing these matters. By letter dated October 1, 1990, the SCTA advised the Commission of its withdrawal of its Petition in this Docket and requested the Commission to close this docket.

The issues before the Commission regarding the Motion to Compel involved several discovery items and whether the Application should be dismissed as a discovery sanction because of the alleged problems with discovery being experienced by Telecom. Additionally, Telecom sought to have all members of the South Carolina Telephone Association made parties of record due to their membership in the Association. The Commission finds that in light of the letter indicating the intent of the SCTA to withdraw its Petition, an order on these matters would be rendered moot. Similarly, the Staff's request to the Commission to modify certain

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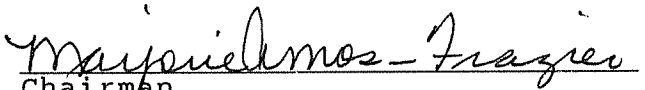
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aspects of Order No. 90-865 regarding the statement of fact that SCTA's response to the second set of interrogatories was not timely filed by September 6, 1990, would be a moot issue. SCTA did timely respond to the Interrogatories. The Commission finds, however, that a ruling in this matter would be rendered moot by the withdrawal of the Petition by SCTA.

Based upon the letter filed by the SCTA concerning its intent to withdraw its Petition, the Commission finds that such should be granted and that the instant Docket should be, and hereby is, closed.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)